

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

R&B Deptt- Payment of Rs.1,69,23,319/- towards the deposit in case in CMAMP No.2454/2012 in CMA No.1291/2012, Orders dated: 23.01.2013 of High Court of Andhra Pradesh, Hyderabad –Sanction Accorded - Orders – Issued.

TRANSPORT, ROADS AND BUILDINGS (R.IV) DEPARTMENT

G.O.Rt.No. 367

Dated:22.03.2014;

Read:

From CE (R&B) CRN & MD, APRDC, Hyd., Lr.No.259 /APSHP /APSH-8/DRB/Clms/BG/2010,Dt:23.02.2013, 29.05.2013 & 28.06.2013.

ORDER:

In the letters read above, the Chief Engineer (R&B) CRN & MD, APRDC, Hyd., has stated the Order on CMAMP No.2454 of 2012 in CMA No:1291 of 2012, Dt:23.01.2013, a CMA Petition No:1291 was filed in the Hon'ble High Court of AP, Hyd., against the Award of the Arbitral Tribunal, in respect of Claims 1 & 3 pertaining to the work of Widening and Strengthening of Warangal-Khammam-Tallada Road under APSHP(8). The CMA was valued at Rs.1,31,71,461/-. The Hon'ble Court has passed an order Dt:23.01.2013. In its orders, the Hon'ble High Court had stated that since the claim No.2 wherein the arbitrator has awarded a sum of Rs.38,59,461,80, has not been challenged and claim Nos. 1 and 3 alone are challenged. The Court has stated that there shall be interim stay as far as claim nos. 1 and 3 are concerned subject to condition that the appellant-petitioner deposits half (50%) of the award amount. On such deposit, first respondent i.e., M/s. IJM Gayatri (JV), is permitted to withdraw the same without furnishing any security. Further the court has stated that so far as claim No.2 is concerned it is open for the first respondent/claimant to execute the award in accordance with law.

2. He has further stated that the contractors for the subject works M/s. IJM-Gayatri (JV) have requested, vide Lr dt:01.02.2013, for making payment as per the order of the Hon'ble High Court. The Contractors have also stated that on any further delay in payment of the above amount as ordered by the Hon'ble High Court of AP, the State of AP will be incurring by way of infructuous expenditure of Rs.97,504.32 for 30 days.

3. The Chief Engineer (R&B) CRN & MD, APRDC, Hyd., has therefore, requested the Govt. to issue necessary orders for making the payment of Rs.1,69,23,319/- to M/s. IJM-Gayatri (JV), as per the orders dt:23.01.2013 of Hon'ble High Court of AP, Hyd., in CMAMP No.2454 of 2012 in CMA No:1291/2012.

4. Government after careful examination of the matter, hereby accord administrative sanction for making the deposit of Rs.1,69,23,319/- (Rupees one crore sixty nine lakhs twenty three thousand three hundred and nineteen only) as per the orders dated:23.01.2013 of Hon'ble High Court of Andhra Pradesh, Hyd., in the case in CMAMP No.2454 of 2012 in CMA No:1291/2012.

5. The amount sanctioned in para (4) above, shall be debited to the Head of Account-MH 5054-Capital Outlay on Roads and Bridges, 04-District and Other Roads-MH 800-Other Expenditure-GH 11- Normal State Plan-SH (33)-Corenet work Roads-530-Major works-531-Other Expenditure (Charged) and shall initially be met by way of an advance from Contingency Fund, orders regarding which will be issued separately by Finance (BG.I) Department.

(PTO)

6. The Chief Engineer (R&B) CRN & MD, APRDC., Hyd., shall draw the amount sanctioned at para (4) above and deposit the Hon'ble Court, in the subject case, under intimation to the Government.

7. The Chief Engineer (R&B) CRN & MD, APRDC., Hyd., is also requested to take action for obtaining supplementary grant at appropriate time during the current financial year 2013-2014 towards recoupment of the advance drawn from Contingency Fund.

8. This order issues with the concurrence of Finance Deptt, vide their U.O.No.5654/259/Expr.PW.II/2014, dated:14.03.2014.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. SAM BOB
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Chief Engineer (R&B) CRN & MD, APRDC, Hyderabad

Copy to:

The Accountant General, A.P, Hyderabad.

The Director of Works & Accounts, A.P., Hyderabad.

The Pay & Accounts Officer, A.P, Hyderabad.

The P.S to Prl. Secy., R&B

The Finance (Expr.PW-II/ BG.I) Deptt.

Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER